

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

DOCKET NO. 3:11cr174-MOC

UNITED STATES OF AMERICA,

Plaintiff,

v.

ERCELL CAREY,

Defendant.

**CONSENT ORDER AND
JUDGMENT OF FORFEITURE**

BASED UPON the Defendant's plea of guilty, and finding that there is a substantial nexus between the property listed below and the offense(s) to which the Defendant has pled guilty and that the Defendant has or had a legal interest in the property, IT IS HEREBY ORDERED THAT:

1. The following property is forfeited to the United States pursuant to 18 U.S.C. §§ 981 and 982, 21 U.S.C. § 853, and/or 28 U.S.C. § 2461(c), provided, however, that such forfeiture is subject to any and all third party claims and interests, pending final adjudication herein:

A monetary judgment in the amount of \$61,689, which sum represents proceeds obtained, directly or indirectly, as a result of the offenses in the Bill of Information.


2. A forfeiture money judgment in the amount of \$61,689 shall be included in the sentence of the Defendant, and the United States Department of Justice may take steps to collect the judgment from any property of the Defendant, in accordance with the substitute asset provisions of 21 U.S.C. § 853(p);

3. Pursuant to Fed. R. Crim. P. 32.2(b)(3), upon entry of this order, the United States Department of Justice is authorized to conduct any discovery needed to identify, locate, or dispose of the property, including depositions, interrogatories, and requests for production of documents, and to issue subpoenas pursuant to Fed. R. Civ. P. 45;


The parties stipulate and agree that the aforementioned judgment amount represents

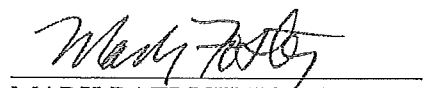
asset(s) derived from or traceable to property involved in Defendant's crime(s) herein and is therefore subject to forfeiture pursuant to 18 U.S.C. §§ 981 and 982, 21 U.S.C. § 853, and/or 28 U.S.C. § 2461(c). The Defendant hereby waives the requirements of Fed. R. Crim. P. 32.2 and 43(a) regarding notice of the forfeiture in the charging instrument, announcement of the forfeiture at sentencing, and incorporation of the forfeiture in the judgment against Defendant.

ANNE M. TOMPKINS
UNITED STATES ATTORNEY


PATRICK M. DONLEY, ESQ.
Assistant United States Attorney

PETER B. LOEWENBERG, ESQ.
Assistant United States Attorney


ERCELL CAREY
Defendant


MARK PATRICK FOSTER, ESQ.
Attorney for the Defendant

Signed this the 23 day of ^{Nov.} ~~October~~, 2011.


UNITED STATES District JUDGE